

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:12-cv-20-RLV
(5:05-cr-009-RLV-DCK-13)**

| | | |
|----------------------------------|---|---------------------|
| ANTHONY DEWAYNE |) | |
| MCCLELLAND, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | <u>ORDER</u> |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |
| |) | |

THIS MATTER is before the Court on its own motion following the filing of Respondent's Motion to Dismiss on September 12, 2013, (Doc. No. 9), and on Petitioner's Motion to Hold Case in Abeyance Pending Miller v. United States, (Doc. No. 7).

In accordance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the Court advises Petitioner, who is proceeding pro se, that he has a right to respond to Respondent's motion. The Court also advises Petitioner that failure to respond may result in dismissal of the Complaint.

IT IS, THEREFORE, ORDERED that:

1. Petitioner shall respond to the pending Motion to Dismiss, (Doc. No. 9), no later than thirty (30) days from entry of the Order. Failure to file a timely and persuasive response may lead to the dismissal of this lawsuit.
2. Petitioner's Motion to Hold Case in Abeyance Pending Miller v. United States, (Doc. No. 7), is **DENIED** as moot.
3. The Clerk of Court is directed to send a copy of this Order to the pro se Petitioner by certified U.S. mail.

Signed: September 24,



Richard L. Voorhees
United States District Judge

